

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

REMARKS

Claims 1-121 have been examined. Claims 35, 64, and 93 have been rejected under 35 U.S.C. § 112, second paragraph, claims 1-4, 7, 8, 13-16, 18, 19, 24-27, 29, 30, 35-39, 54, 64-68, and 93-97 have been rejected under 35 U.S.C. § 102(e), and claims 5, 9-12, 17, 20-23, 28, 31-34, 40-44, 47, 49-51, 55-63, 69-73, 76, 78-80, 83-102, 105, 107, 109, and 112-121 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 45, 46, 48, 52, 53, 74, 75, 77, 81, 82, 103, 104, 106, 110, and 111 contain allowable subject matter.

I. Preliminary matters

A. Information Disclosure Statement (“IDS”)

The Examiner notes that the references mentioned on pages 19 and 21 of the present specification have not been submitted in an IDS and therefore, have not been considered. Applicants are concurrently filing an IDS citing the references and respectfully request the Examiner to consider them.

B. Objection to the drawings

The Examiner has objected to the drawings because Fig. 1 is not labeled as “Prior Art” and because the current drawings allegedly do not show various claimed features. Applicants submit that new Figs. 1, 8, and 9 filed concurrently herewith overcome the objection. Also, since the original specification describes the subject matter shown in Figs. 8 and 9, the new figures do not contain any new matter.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

C. Amendments to the specification

Applicants have amended the specification to reference various operations in Figs. 8 and 9 and submit that such amendments do not include any new matter.

II. Rejection under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 35, 64, and 93 because the phrases “said unclassified data packets” and “said unclassified data packet classifications” do not have sufficient antecedent basis. Applicants respectfully disagree.

For example, operation (b) of claim 35 recites “determining which of said input data packets are unclassified data packets....” The phrase “unclassified data packets” (in lines 4 and 5) provides proper antecedent basis for “said unclassified data packets” (in line 5). Also, operation (b) of claim 35 recites “wherein said unclassified data packets have unclassified data packet classifications....” The phrase “unclassified data packets classifications” (in lines 5 and 6) provides proper antecedent basis for “said unclassified data packets classifications” (in lines 7 and 8).

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection of claim 35. Also, Applicants respectfully request the Examiner to withdraw the rejection of claims 64 and 93 for similar reasons.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

III. Rejection under 35 U.S.C. § 102(e) over U.S.P. 6,466,976 to Alles et al. (“Alles”)

Claims 1-4, 7, 8, 13-16, 18, 19, 24-27, 29, 30, 35-39, 54, 64-68, and 93-97 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Alles. Applicants submit that the claims are patentable over the cited reference.

A. Claim 1

Claim 1 states that a first data packet is classified as corresponding to a process flow regardless of whether the first data packet is an upstream data packet or a downstream data packet. On the other hand, Alles relies on a classification method in which data packets flowing in different directions are classified as belonging to different process flows. (See, e.g., Alles at column 6, lines 1-10). In a non-limiting embodiment of the claimed invention, classifying data packets to a particular process flow regardless of their direction of travel enables the embodiment to more effectively balance the processing load of the packet processors.

B. Claim 2

Since claim 2 has been cancelled without prejudice or disclaimer, the rejection of the claim is moot.

C. Claims 3, 4, and 7

Since claims 3, 4, and 7 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

D. Claim 8

As a preliminary matter, claim 8 has been rewritten in independent form, and such amendments do not narrow or change the scope of the claim. Furthermore, claim 8 is patentable over Alles.

For example, claim 8 states that a controller selects a first selected processor to process the first data packet based on processing load values respectively corresponding to processing loads of the packet processors. Also, the processing load values are respectively generated in the packet processors and output to the controller.

The Examiner contends that column 11, lines 32-37, of Alles suggests the features recited in claim 8, but Applicants respectfully disagree. As described in the reference, the control logic 420 determines which of the processors in a processor group 450 may process a packet on “a round robin basis.” However, such disclosure does not suggest outputting load values from the processor groups 450 to the control logic 420. In fact, determining which processor may process a packet on a “round robin basis” suggests that the control logic 420 makes its determination in an orderly sequence and not based on data that is output from any the processor groups 450 to the control logic 420. Accordingly, claim 8 is patentable over Alles.

E. Claim 13

Since claim 13 contains features that are similar to the features recited in claim 1, Applicants submit that the claim is patentable for similar reasons.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

F. Claim 14

Since claim 14 has been cancelled without prejudice or disclaimer, the rejection of the claim is moot.

G. Claims 15, 16, and 18

Since claims 15, 16, and 18 depend upon claim 13, Applicants submit that they are patentable at least by virtue of their dependency.

H. Claim 19

As a preliminary matter, claim 19 has been rewritten in independent form, and such amendments do not narrow or change the scope of the claim. Furthermore, claim 19 is patentable over Alles for reasons which are analogous to why claim 8 is patentable over the reference.

I. Claim 24

Since claim 24 contains features that are similar to the features recited in claim 1, Applicants submit that the claim is patentable for similar reasons.

J. Claim 25

Since claim 25 has been cancelled without prejudice or disclaimer, the rejection of the claim is moot.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

K. Claims 26, 27, and 29

Since claims 26, 27, and 29 depend upon claim 24, Applicants submit that they are patentable at least by virtue of their dependency.

L. Claim 30

As a preliminary matter, claim 30 has been rewritten in independent form, and such amendments do not narrow or change the scope of the claim. Furthermore, claim 30 is patentable over Alles for reasons which are analogous to why claim 8 is patentable over the reference.

M. Claim 35

Since claim 35 contains features that are analogous to the features recited in claim 1, Applicants submit that the claim is patentable for analogous reasons.

N. Claim 36-39

Since claims 36-39 depend upon claim 35, Applicants submit that they are patentable at least by virtue of their dependency.

O. Claim 54

As a preliminary matter, claim 54 has been rewritten in independent form, and such amendments do not narrow or change the scope of the claim. Furthermore, claim 54 is patentable over Alles for reasons which are analogous to why claim 8 is patentable over the reference.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

P. Claim 64

Since claim 64 contains features that are analogous to the features recited in claim 1, Applicants submit that the claim is patentable for analogous reasons.

Q. Claim 65-68

Since claims 65-68 depend upon claim 64, Applicants submit that they are patentable at least by virtue of their dependency.

R. Claim 93

Since claim 93 contains features that are analogous to the features recited in claim 1, Applicants submit that the claim is patentable for analogous reasons.

S. Claim 94-97

Since claims 94-97 depend upon claim 93, Applicants submit that they are patentable at least by virtue of their dependency.

IV. Rejection under 35 U.S.C. § 103(a) over Alles and U.S.P. 5,774,668 to Choquier et al. (“Choquier”)

Claims 5, 9-12, 17, 20-23, 28, 31-34, 40-44, 47, 49-51, 55-63, 69-73, 76, 78-80, 83-102, 105, 107, 109, and 112-121 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Alles and Choquier. Since such claims depend upon claim 1, 13, 24, 35, 64, or 93 and since Choquier does not cure the deficient teaching of Alles with respect to claims 1, 13, 24, 35, 64, and 93, Applicants submit that the claims are patentable at least by virtue of their dependency.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

V. Allowable subject matter

A. Objection to the claims

The Examiner has objected to claims 45, 46, 48, 52, 53, 74, 75, 77, 81, 82, 103, 104, 106, 110, and 111 for being dependent upon a rejected base claim but indicates that they would be allowable if they are rewritten in independent form. Since claims 45, 74, and 103 have been rewritten in independent form and since claims 46, 48, 52, 53, 75, 77, 81, 82, 104, 106, 110, and 111 depend upon claim 45, 74, and 103, Applicants submit that the claims are allowable.

B. Remaining claims

Since the Examiner has not rejected claims 6 and 108, Applicants assume that they contain allowable subject matter.

VI. Newly added claims

Applicants have added new claims 122-127 to provide more varied protection for the present invention. Since such claims depend upon claim 8, 19, 30, 54, 83, or 112, such claims are patentable at least by virtue of their dependency.

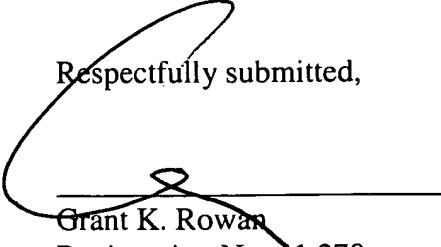
VII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/606,214

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Respectfully submitted,


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